

In the Court of Appeals of the State of Alaska

Gavin Higgins,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13132**

Order

Date of Order: **May 20, 2021**

Trial Court Case No. **3AN-17-06287CI**

Before: Wollenberg, Harbison, and Terrell, Judges.

Gavin Higgins is appealing the dismissal of his application for post-conviction relief. In the superior court proceedings, Higgins filed an opposition to the State's motion to dismiss. In the opposition, Higgins's attorney stated that he had attached a physician's report from June 2013 discussing Higgins's mental health issues.

But the record contains no such report. We are unable to discern whether the physician's report was originally filed with Higgins's opposition — such that the record should be corrected to include the report — or whether Higgins failed to include the report with his trial court filing. (We have reviewed the physical trial file from the superior court and it does not contain this report.)

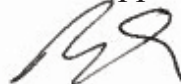
Appellate Rule 210(i) sets out the authority of this Court to correct, modify, or supplement the record on appeal. If anything material is omitted from the record on appeal by accident or error, we may direct that the omission or misstatement be corrected.

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To ensure that we have a complete record of the superior court proceedings, we direct the parties to notify this Court whether the June 2013 physician's report was provided to the superior court. The notice shall be filed within 20 days of receipt of this order and shall include an appropriate explanation and any supporting documents. The parties may submit a joint notification or separate notifications in their discretion.

Entered at the direction of the Court.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

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